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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/143,343	08/28/1998	MARK A. BOYS	P644	3403

24739 7590 12/04/2002

CENTRAL COAST PATENT AGENCY
PO BOX 187
AROMAS, CA 95004

EXAMINER

TRAN, THAI Q

ART UNIT	PAPER NUMBER
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2615

DATE MAILED: 12/04/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/143,343

Applicant(s)

BOYS, MARK A.

Examiner

Thai Tran

Art Unit

2615

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 September 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 and 17-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 17-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on Sept. 25, 2002 has been entered.

Response to Arguments

2. Applicant's arguments with respect to claims 1-4 and 17-22 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-4, 17-20, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yuen et al ('409) in view of Houston ('312 B1).

Regarding claim 18, as discussed in the last Office Action, Yuen et al discloses the method for setting and initiating selective playback or permanent storage of stored audio or audio-visual media from a user-interface on a perpetual recording device coupled with a media presentation device (Fig. 1 and its respective disclosure)

comprising steps of:

(a) initiating perpetual recording of the presented media (recording the video programs received from an antenna 63 or a cable TV signal source 64 of Fig. 1, col. 12, lines 52-67);

(b) identifying a specific media selection during media presentations (advancing the tape to the beginning of each program during the re-indexing process disclosed in col. 26, lines 60-67 or monitoring the VM packet in indexing the video tape disclosed from col. 33, line 54 to col. 34, line 67);

(c) activating a flag-set indicia from a user interface on the perpetual recording device (re-indexing process disclosed in col. 26, lines 60-67 or indexing the video tape disclosed from col. 33, line 54 to col. 34, line 67);

(d) activating a recover indicia from the user interface of step (c), the recover operation for retrieving the flagged media (Searching Tape for Selected Program disclosed from col. 28, line 20 to col. 29, line 7 or Identifying A Recorded Program disclosed from col. 46 line 64 to col. 47, line 2); and

(e) initiating playback or media store of the flagged media (Searching Tape for Selected Program disclosed from col. 28, line 20 to col. 29, line 7 or Identifying A Recorded Program disclosed from col. 46 line 64 to col. 47, line 2). However, Yuen et al does not specifically disclose the newly added limitation "sequential continuous-loop recording of a specific time period".

Houston teaches an instant replay system having endless video tape for facilitating the search of a particular point of interest on a recorded videotape (cols. 1-2).

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the endless video tape as taught by Houston into Yuen et al's system in order to reduce the time in searching for a particular point of interest on the recorded videotape.

Regarding claim 20, Yuen et al discloses the claimed wherein in step (c) the flag-set marks the beginning and end of the desired block of media (the start and end of the program or segment of the program disclosed in col. 17, lines 51-55 and col. 9, lines 48-67).

Regarding claim 22, Yuen et al also discloses the claimed wherein in step (d) the indicia is a memory button that searches for the set flags automatically (the program number disclosed in the Searching Tape for Selected Program in col. 28, lines 22-67 or the program number disclosed in the Identifying A Recorded Program from col. 46, line 64 to col. 47, line 2).

Regarding claim 1, the combination of Yuen et al and Houston discloses all the features of the instant invention as discussed above in claim 18 except for providing a speaker system.

The capability of using speaker system in the television receiver for audibly outputting the audio signal reproducing from the video cassette recorder is old and well known in the art and therefore Official Notice is taken.

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the well known speaker system into Yuen et al's system in order to audibly listen to the audio signal reproducing from the VCR.

Regarding claim 2, Yuen et al discloses the claimed wherein the perpetual recording device of claim 1 coupled with one of an RF radio or a television (the antenna 63 or the cable TV signal source 64 of Fig. 1, col. 12, lines 52-67 or the video display 50 of Fig. 1, col. 11, lines 3-12).

Regarding claim 3, Houston discloses the claimed an analog to digital converter and wherein the at least one data store is a write able digital memory accepting data writes comprising digitally recorded media (21 and 23 of Fig. 1).

Regarding claim 4, the claimed wherein the flag-set denotes one of a complete song, or a block of completed songs is met by col. 26, line 60-67 and from col. 33, line 54 to col. 34, line 67 of Yuen et al.

Regarding claim 17, the claimed wherein coupling results in internalizing the device into the circuitry of the media presentation device is met by the VCR-1, the antenna 63, and the cable TV signal source 64 of Fig. 1, col. 5, lines 23-39 and col. 7, lines 39-45 of Yuen et al.

Claim 19 is rejected for the same reasons as discussed in claim 3 above.

5. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yuen et al ('409) in view of Houston ('312 B1) as applied to claim 18 above, and further in view of Ichinose ('569).

The combination of Yuen et al and Houston discloses all the features of the instant invention as discussed in claim 18 above, however, Yuen et al does not specifically disclose wherein in step (d) the indicia is a jogging wheel manually operated to search the flag-sets.

Ichinose teaches a video editing viewer having a jogging wheel (6 of Fig. 1, col. 2, lines 14-39) for selecting an editing point.

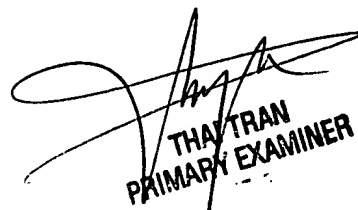
It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the rotary knob 6 of Ichinose into Yuen et al's system in order to facilitate the processing of searching the beginning of each program.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thai Tran whose telephone number is (703) 305-4725. The examiner can normally be reached on Mon. to Friday, 8:00 AM to 5:30 PM.

The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

TTQ
November 29, 2002


THAI TRAN
PRIMARY EXAMINER